

FILED

SEP 19 2023

**U.S. DISTRICT COURT- WVND
MARTINSBURG, WV 25401**

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

v.

**JOSEPH MANUEL LOURENCO,
KENNETH CAREY MARKLEY,
SHAWNA MARIE MARKLEY, aka
SHAWNA PERRY, and
RUSSELL ALLEN PERRY,**

Defendants.

Criminal No. 3:23-CR- 69

**Violations: 18 U.S.C. § 371
18 U.S.C. § 922(a)(1)(A)
18 U.S.C. § 922(g)(1)
18 U.S.C. § 923(a)
18 U.S.C. § 924(a)(1)(D)
18 U.S.C. § 924(a)(8)**

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Conspiracy)

1. On or about February 28, 2019 to December 31, 2022, in Morgan and Berkeley Counties, in the Northern District of West Virginia and elsewhere, the defendants **JOSEPH MANUEL LOURENCO, KENNETH CAREY MARKLEY, SHAWNA MARIE MARKLEY, aka SHAWNA PERRY, and RUSSELL ALLEN PERRY**, unlawfully, knowingly and willfully did combine, conspire, confederate and agree together with each other and others, to commit offenses against the United States, to wit, to arrange the purchase of a firearm on his behalf and then possess the firearm although he is prohibited from possessing firearms, in violation of the Gun Control Act, Title 18, United States Code, Sections 922(a), 922(g), and 924(a).

MANNER & MEANS

2. It was a part of the conspiracy that defendant **JOSEPH MANUEL LOURENCO**

would purchase firearms from federal firearm licensees (“FFLs”) in Morgan and Berkeley counties, in the Northern District of West Virginia and elsewhere.

3. It was a part of the conspiracy that after defendant **JOSEPH MANUEL LOURENCO** purchased and acquired firearms, he would transfer the firearms to other individuals, including defendants **RUSSELL ALLEN PERRY, SHAWNA MARIE MARKLEY, aka SHAWNA PERRY, and KENNETH CAREY MARKLEY**. Defendants **SHAWNA MARIE MARKLEY, aka SHAWNA PERRY, and KENNETH CAREY MARKLEY** are prohibited persons due to their felony convictions.

4. It was a part of the conspiracy that after defendants **RUSSELL ALLEN PERRY, SHAWNA MARIE MARKLEY, aka SHAWNA PERRY, and KENNETH CAREY MARKLEY** received the firearms from defendant **JOSEPH MANUEL LOURENCO**, they would further distribute the firearms to other individuals, including persons prohibited from possessing firearms and out-of-state residents.

OVERT ACTS

5. In furtherance of the conspiracy and to effect the objects of the conspiracy the following overt acts, among others, were committed in the Northern District of West Virginia and elsewhere:

- a. In December 2022, defendant **RUSSELL ALLEN PERRY** purchased a number of firearms from defendant **JOSEPH MANUEL LOURENCO** for a down payment of \$650;
- b. On or about December 11, 2022, in Berkeley County, in the Northern District of West Virginia, defendant **KENNETH CAREY MARKLEY** knowing that he had been

convicted of a crime punishable by imprisonment for a term exceeding one year, that is, the felony offense of breaking and entering in the Circuit Court of Berkeley County, West Virginia, did knowingly possess a Ruger, Model LC9, 9mm pistol, serial number 462-47788, said firearm having been shipped and transported in interstate commerce;

- c. On or about December 15, 2022, in Berkeley County, in the Northern District of West Virginia, defendant **JOSEPH MANUEL LOURENCO** possessed the following firearms:

(1)	F.I.E. Corp., Titanic, .32 caliber revolver with an unknown serial number
(2)	Forehand & Wadsworth, Top Break., .32 caliber revolver, bearing serial number 7985
(3)	U.S. Revolver company, unknown model, .22 caliber revolver with an unknown serial number
(4)	Bersa, Model Thunder 380, .380 caliber, bearing serial number 994413
(5)	Tradzon Gun Industry, Model American Tactical FS9, 9mm pistol, bearing serial number T0620-08E26468
(6)	Sig Sauer, Model P320, 9mm pistol, bearing serial number 58H143124
(7)	Bond Arms, Model Rough and Rowdy, .45 caliber/.410 gauge derringer, bearing serial number 187425
(8)	FEG, Model PA63, 9mm pistol, bearing serial number AD1948
(9)	Smith & Wesson, Model M&P Bodyguard, .380 caliber, bearing serial number KFW6802
(10)	Beretta, Model 92s, 9mm pistol, bearing serial number U11345Z
(11)	Colt, Model Official Police, .38 caliber, bearing serial number 771283
(12)	Ruger, Model Vaquero, .44 magnum, bearing serial number 57-26474
(13)	Smith & Wesson, Model M&P 40, .40 caliber, bearing serial number HWM0120
(14)	Harrington & Richardson, Model 865, .22 caliber rifle, bearing serial number 14434
(15)	Remington, Model 770, .270 caliber rifle, bearing serial number 71370559
(16)	Marlin Firearms Co., Model 60, .22 caliber rifle, bearing serial number 12486896
(17)	Harrington & Richardson, Model 250 Sportster, .22 caliber rifle, bearing serial number 2179
(18)	OF Mossberg, Model 320B, .22 caliber rifle, bearing an unknown serial number

(19)	Marlin Firearms Co., Model Mark I, 12 gauge shotgun, bearing serial number 54592
(20)	Alexandria Interarms, Model Mark X, .30-06 caliber rifle, bearing serial number R54398
(21)	Marlin Firearms Co., Model 336, .35 Remington caliber, bearing serial number 20129808
(22)	Winchester, Model 70, .30-06 caliber rifle, bearing serial number G1078305
(23)	Savage, Model 340C, .30-30 caliber rifle, bearing serial number 36458
(24)	Harrington & Richardson, Deluxe Topper M488, 16 gauge shotgun, bearing serial number J49324
(25)	Mauser, unknown model, unknown caliber, and bearing serial number 4223
(26)	Browning Arms Co., unknown model, .22 caliber rifle, bearing serial number 69B08306
(27)	Remington, Model 770, .30-06 caliber rifle, bearing serial number H70000763
(28)	Savage, Model Axis, .22-250 caliber rifle, bearing serial number J598589
(29)	Ruger, Model 10-22, .22 caliber rifle, bearing serial number 0007-21336
(30)	Remington Arms, Model 552, .22 caliber rifle, bearing serial number 14BN52
(31)	Savage, Model Mark II, .22 caliber rifle, bearing serial number 349957
(32)	Marlin Firearms Co., Model 336, 30-30- caliber rifle, bearing serial number Z27458
(33)	Mauser, unknown make and caliber, bearing serial number 7644
(34)	Savage, Model 110, 7mm rifle, bearing serial number G308773
(35)	Marlin, Model 25N, .22 caliber, bearing serial number 03347127
(36)	Remington Arms Co., Model 550, .22 caliber rifle, bearing an unknown serial number
(37)	Remington Arms Co., Model 597, .22 caliber rifle, bearing serial number 2629524
(38)	Mossberg, Model Trophy Hunter, .30-06 caliber rifle, bearing serial number BA314734
(39)	Marlin Firearms Co., Model 25MN, .22 WMR caliber, bearing serial number D3399161
(40)	Savage, Model Axis II, 6.5 Creedmoor rifle, bearing serial number N298020
(41)	Ruger, Model America, .30-06 caliber rifle, bearing serial number 695-26946
(42)	Remington Arms Co., Model 770, .30-06 caliber rifle, bearing serial number M72104149
(43)	Savage, Model 111, .270 caliber rifle, bearing serial number F883529
(44)	Ruger, Model 10-22, .22 caliber rifle, bearing serial number 116-53432
(45)	Iver Johnson, unknown model, 12 gauge shotgun bearing serial number 33986
(46)	New Worchester, unknown model, 12 gauge double barrel shotgun, with an

	unknown serial number
(47)	Remington Arms Co., Model 742, Model 30-06 caliber, bearing serial number 6916829
(48)	.22 caliber rifle bearing serial number D8355 with an unknown make and model

- d. On or about December 1, 2022, defendant **JOSEPH MANUEL LOURENCO** purchased a Mossberg, O.F. & Sons, Inc., semi-automatic pistol, model MC1SC, 9mm Parabellum caliber, bearing serial number 047440CP, and a Ruger, Model LC9, 9mm pistol, bearing serial number 462-47788, as part of a multiple sale of firearms, from an FFL in Berkeley County, West Virginia;
- e. On or about December 1, 2022, defendant **JOSEPH MANUEL LOURENCO** transferred the Mossberg, O.F. & Sons, Inc., semi-automatic pistol, model MC1SC, 9mm Parabellum caliber, bearing serial number 047440CP and a Ruger, Model LC9, 9mm pistol, bearing serial number 462-47788, to defendants **RUSSELL ALLEN PERRY, SHAWNA MARIE MARKLEY, aka SHAWNA PERRY, and KENNETH CAREY MARKLEY**;
- f. On or about December 11, 2022, defendants **RUSSELL ALLEN PERRY, SHAWNA MARIE MARKLEY, aka SHAWNA PERRY, and KENNETH CAREY MARKLEY** sold a Ruger, Model LC9, 9mm pistol, bearing serial number 462-47788—a firearm originally purchased by defendant **JOSEPH MANUEL LOURENCO**;
- g. On or about December 14, 2022, defendants **SHAWNA MARIE MARKLEY, aka SHAWNA PERRY, and KENNETH CAREY MARKLEY** sold the Mossberg, O.F.

& Sons, Inc., semi-automatic pistol, model MC1SC, 9mm Parabellum caliber, bearing serial number 047440CP to another individual;

- h. On or about December 14, 2022, defendants **SHAWNA MARIE MARKLEY, aka SHAWNA PERRY**, and **KENNETH CAREY MARKLEY** transferred the Sturm, Ruger & Co, Inc., semi-automatic pistol, P85 model 9mm Parabellum handgun, bearing serial number 301-20631, to an out-of-state resident;
- i. On December 28, 2022, defendant **JOSEPH MANUEL LOURENCO** possessed in Berkeley County, within the Northern District of West Virginia, the following firearms:

(1)	Smith & Wesson, Model SD40VE, .40 caliber pistol, serial number FDR6748
(2)	Smith & Wesson, Model 641, .357 caliber revolver, serial number 15956
(3)	Ruger, Model EC9S, 9mm pistol, serial number 462-47788
(4)	Marlin Firearms, Model 60, .22 caliber rifle, serial number 24309485
(5)	Weatherby, Model Vanguard, .30-06 caliber rifle, serial number VS279686
(6)	Remington Arms Co., Model 742, .30-06 caliber rifle, serial number A7497554

- j. other overt acts.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

(Engaging in the Business Without a License)

On or about February 28, 2019 to December 31, 2022, in Berkeley County, in the Northern District of West Virginia and elsewhere, the defendant **JOSEPH MANUEL LOURENCO**, not being a licensed dealer or manufacturer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing firearms, in violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNT THREE

(Unlawful Possession of Firearm)

On or about December 11, 2022, in Morgan County, in the Northern District of West Virginia, defendant **KENNETH CAREY MARKLEY** knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, the felony offense of breaking and entering in the Circuit Court of Berkeley County, West Virginia, did knowingly possess a Ruger, Model LC9, 9mm pistol, serial number 462-47788, said firearm having been shipped and transported in interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT FOUR

(Unlawful Possession of Firearm)

On or about December 11, 2022, in Morgan County, in the Northern District of West Virginia, defendant **SHAWNA MARIE MARKLEY, aka SHAWNA PERRY**, knowing that she had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, the felony offense of distribution of heroin in the United States District Court for the Northern District of West Virginia in Criminal Action Number 3:14-CR-35, did knowingly possess a Ruger, Model LC9, 9mm pistol, serial number 462-47788, said firearm having been shipped and transported in interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT FIVE

(Unlawful Possession of Firearm)

On or about December 14, 2022, in Morgan County, in the Northern District of West Virginia, defendant **SHAWNA MARIE MARKLEY, aka SHAWNA PERRY**, knowing that she had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, the felony offense of distribution of heroin in the United States District Court for the Northern District of West Virginia in Criminal Action Number 3:14-CR-35, did knowingly possess a Sturm, Ruger & Co, Inc., semi-automatic pistol, P85 model 9mm Parabellum handgun, bearing serial number 301-20631, said firearm having been shipped and transported in interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT SIX

(Unlawful Possession of Firearm)

On or about December 14, 2022, in Morgan County, in the Northern District of West Virginia, defendant **KENNETH CAREY MARKLEY** knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, the felony offense of breaking and entering in the Circuit Court of Berkeley County, West Virginia, did knowingly possess a Sturm, Ruger & Co, Inc., semi-automatic pistol, P85 model 9mm Parabellum handgun, bearing serial number 301-20631, said firearm having been shipped and transported in interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

FORFEITURE ALLEGATION*Gun Control Act*

Pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d)(1), the government will seek the forfeiture of any firearm and any ammunition involved in or used in any knowing violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D), including the following:

(1)	F.I.E. Corp., Titanic, .32 caliber revolver with an unknown serial number
(2)	Forehand & Wadsworth, Top Break., .32 caliber revolver, bearing serial number 7985
(3)	U.S. Revolver company, unknown model, .22 caliber revolver with an unknown serial number
(4)	Bersa, Model Thunder 380, .380 caliber, bearing serial number 994413
(5)	Tradzon Gun Industry, Model American Tactical FS9, 9mm pistol, bearing serial number T0620-08E26468
(6)	Sig Sauer, Model P320, 9mm pistol, bearing serial number 58H143124
(7)	Bond Arms, Model Rough and Rowdy, .45 caliber/.410 gauge derringer, bearing serial number 187425
(8)	FEG, Model PA63, 9mm pistol, bearing serial number AD1948
(9)	Smith & Wesson, Model M&P Bodyguard, .380 caliber, bearing serial number KFW6802
(10)	Beretta, Model 92s, 9mm pistol, bearing serial number U11345Z
(11)	Colt, Model Official Police, .38 caliber, bearing serial number 771283
(12)	Ruger, Model Vaquero, .44 magnum, bearing serial number 57-26474
(13)	Smith & Wesson, Model M&P 40, .40 caliber, bearing serial number HWM0120
(14)	Harrington & Richardson, Model 865, .22 caliber rifle, bearing serial number 14434
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(25)	Mauser, unknown model, unknown caliber, and bearing serial number 4223
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(47)	Remington Arms Co., Model 742, Model 30-06 caliber, bearing serial number 6916829
(48)	.22 caliber rifle bearing serial number D8355 with an unknown make and model
(49)	Smith & Wesson, Model SD40VE, .40 caliber pistol, serial number FDR6748
(50)	Smith & Wesson, Model 641, .357 caliber revolver, serial number 15956
(51)	Ruger, Model EC9S, 9mm pistol, serial number 462-47788
(52)	Marlin Firearms, Model 60, .22 caliber rifle, serial number 24309485
(53)	Weatherby, Model Vanguard, .30-06 caliber rifle, serial number VS279686
(54)	Remington Arms Co., Model 742, .30-06 caliber rifle, serial number A7497554
(55)	Sturm, Ruger & Co, Inc., semi-automatic pistol, P85 model 9mm Parabellum handgun, bearing serial number 301-20631

A True Bill,

Grand Jury Foreperson

WILLIAM IHLENFELD
United States Attorney

Lara K. Omps-Botteicher
Morgan McKee
Assistant United States Attorneys